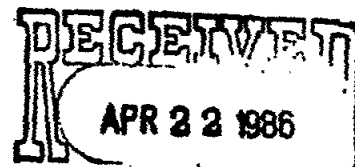




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

543 Connecticut Avenue
Philadelphia, Pennsylvania 19107



STATE OF DELAWARE 1986
OFFICE OF SOLID WASTE

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

In Reply: Refer to 3HW16

Mr. Thomas Pierson
Plant Manager
Standard Chlorine of Delaware, Inc.
Governor Lea Road
Delaware City, DE 19706

Re: Standard Chlorine Site, Delaware City, DE.

Dear Mr. Pierson:

The United States Environmental Protection Agency (EPA) is considering spending public funds to investigate and take corrective action in order to prevent and control releases of hazardous substances at the above-referenced site. Unless EPA determines that a responsible party will properly perform such actions, EPA intends to do so pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601 et seq. (CERCLA).

Section 107 (a), of CERCLA 42 U.S.C. § 9607 (a), authorizes EPA to bring suit against responsible parties to recover all costs incurred by the government in responding to any release or threatened release at the site. Such costs can include, but are not limited to, expenditures for investigation, planning, cleanup of the site and enforcement. By this letter, EPA notifies you of your potential liability with regard to this matter and encourages you to voluntarily undertake cleanup activities which will be overseen by EPA.

Responsible parties under CERCLA include current owners and operators of the site or facility, past owners and operators at the time of disposal of hazardous substances, and persons who generated or were involved in the transport, treatment, or disposal of hazardous substances at the site. Documents obtained by EPA personnel indicate that your company currently owns the property on which this site exists and therefore your company is a responsible party.

EPA has determined that a release of hazardous substances (as defined by Section 101 (14) of CERCLA) has occurred at the above referenced facility. At the present time, monochlorobenzene and benzene are contaminating both the Columbia and Potomac aquifers beneath the Standard Chlorine Site.

EPA is planning to conduct the following studies at the Standard Chlorine Site:

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1. Remedial Investigation - Further investigations to identify the local hydrogeological characteristics and define the nature and extent of soil, air, and surface water contamination at the site; and
2. Feasibility Study - A study to evaluate possible remedial actions to remove or contain hazardous substances, pollutants, and contaminants at the site.

In addition to the above studies, you may be asked to undertake any additional corrective measures necessary to protect public health, welfare, or the environment. Such measures may include, but are not limited to:

1. Designing and implementing the EPA approved remedial option; and
2. Providing any monitoring and maintenance necessary after remedial measures are completed.

EPA understands that you have initiated certain cleanup actions at the Standard Chlorine Site. However, since the site is proposed for inclusion on the National Priorities List, EPA requires that the Remedial Investigation and Feasibility Study (RI/FS) described above be conducted in accordance with the EPA RI/FS guidance enclosed with this letter. We request that you send EPA a Statement of Work (SOW) for those remedial measures that you intend to undertake at the site within 10 calendar days from your receipt of this letter. If we do not hear from you or if the SOW is not acceptable, we will proceed with the appropriate studies and any remedial measures needed at the site. EPA may then bring a civil action against you to recover the cost of all response measures taken by the Agency.

If you do decide to participate in the RI/FS process, EPA requires that you enter into a Consent Order with the agency within 60 calendar days after receipt of this letter to insure that site remediation proceeds according to the National Contingency Plan, 40 C.F.R. Part 300.68 (a)-(j) (47 Fed. Reg. 31180, July 16, 1982), revised at 48 Fed. Reg. 40658 (September 8, 1983), further revised at 50 Fed. Reg. 47912 (November 20, 1985). A model consent order for a Remedial Investigation/Feasibility Study is enclosed.

We also request that you inform us if you are insured against liability arising from the generation, transportation, storage, treatment, handling, disposal, or release of hazardous substances or wastes and that you provide us with copies of any relevant insurance policies.

You are entitled to assert a claim of business confidentiality covering any part of the submitted information, pursuant to the regulations contained in 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the required information is submitted, EPA may make the information public without further notice to you. Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B.

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Please send the requested information to:


William Cawley (3HW16)
CERCLA Remedial Enforcement Section
U.S. Environmental Protection Agency, Region III
841 Chestnut Building, 6th Floor
Philadelphia, Pennsylvania 19107

The factual and legal discussions contained in this letter are intended solely for notification purposes. They are not intended to be and cannot be relied upon as a final Agency position on any matter set forth herein.

Due to the seriousness of the problem at this site and the attendant legal ramifications, the Agency strongly encourages you to submit a written response within the time frame specified herein. We hope that you will give these matters your immediate attention.

If you have any questions regarding the foregoing, please contact Mr. Cawley at (215) 597-8185.

Sincerely,


Stephen R. Wassersug, Director
Hazardous Waste Management Division

Enclosures

cc: Gene Lucero, EPA-OWPE
Phil Rettalick, DE Div. of Air and Waste Management ✓

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